

REMARKS

Claims 1, and 3-13 and 16-24 are now pending in this application. The Applicant thanks the Examiner for accepting the drawings filed on June 14, 2005. The Applicant has amended claims 1, 8 and 13 and canceled claims 14 and 15. Applicant submits that the application is now in condition for allowance. Reconsideration and allowance of claims 1, 3-13 and 16-24 now pending in this application is respectfully requested in view of the following.

A. Objection to the Claims

The Examiner objected to claims 14 and 15 because they are neither in independent or dependent form. The Applicant has canceled the claims. The Applicant believes that the objection has been overcome, and thus, requests withdrawal of the objection.

B. Rejection under 35 U.S.C. 103

Claims 1, 3-4, 6-9, 11-13 and 16-24 have been rejected under 35 U.S.C. 103 as being unpatentable over by Poor. (U.S. Pat. No. 6,028,857) in view of Sherman (U.S. 5,974,236).

Claims 1, 8 and 13, as amended, now recite wherein the optimal routing path indicates the set of intermediate devices and is based, in part, on the amount of time an intermediate transceiver in the set of intermediate transceivers will be in communication with the wireless network. The present invention provides the optimal path to intermediate transceivers identified in the optimal path to transmit the signal to a destination transceiver. In determining the optimal path, a consideration is made as to how long intermediate transceivers will maintain a connection to the network.

Poor '857 discloses a limited wireless network that specifies the constraints that the optimal path is to be in accordance with. However, Poor '857 fails to disclose that the optimal routing path indicates the set of intermediate devices and is base, in part, on the amount of time an intermediate transceiver in the set of intermediate transceivers will be in communication with the wireless network. Accordingly, Poor '857 fails to disclose or suggest all of the elements now recited in amended claims 1, 8 and 13.

Sherman fails to cure the deficiencies of Poor. Sherman merely discloses that a routing list is provided at each node. Sherman fails to disclose that an optimal routing path indicates the set of intermediate devices and is base, in part, on the amount of time an intermediate transceiver in the set of intermediate transceivers will be in communication with the wireless network. Accordingly, the combination of Poor and Sherman fail to teach the invention as claimed by claims 1, 8 and 13.

Claims 3, 4, 6, 7, and 16-18 depend from claim 1, claims 9, 11, 12, and 19-21 depend from claim 8, and claims 22-24 depend from claim 13. Accordingly, the combination of Poor and Sherman fails to disclose or suggest all of the elements now recited in claims 3-4, 6-7, 9, 11-12 and 16-24 for at least the same reason discussed above with respect to claims 1, 8, and 13.

Claims 5 and 10 have been rejected under 35 U.S.C. 103 as being unpatentable over Poor and Sherman in view of Hermann et al. (U.S. Pat. No. 6,633,757).

Claim 5 depends from independent claim 1 and claim 10 depends from claim 8. As discussed above with respect to claims 1, 8, and 13, Poor and Sherman do not disclose that an optimal routing path indicates the set of intermediate devices and is base, in part, on the amount of time an intermediate transceiver in the set of intermediate transceivers will be in communication with the wireless network.

Hermann et al does not cure the deficiencies of Poor. Hermann et al. '757 discloses a wireless network with devices have a transmitter and receiver. Hermann et al. does not disclose that an optimal routing path indicates the set of intermediate devices

and is base, in part, on the amount of time an intermediate transceiver in the set of intermediate transceivers will be in communication with the wireless network. Accordingly, the combination of Poor, Sherman and Hermann et al. does not teach alone or in combination the elements now recited in claims 5 and 10.

CONCLUSION

No other fees are believed to be due at this time. Should any fee be required, however, please charge such fees to Swidler Berlin LLP Deposit Account No. 19-5127 (order no. 25389.0004).

Respectfully submitted,
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